

PATENT  
Customer No. 22,852  
Attorney Docket No. 09812.0082-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Kazuhiko OKAMATSU ) Group Art Unit: 4134  
Application No.: 10/580,043 ) Examiner: Nicholas J. Lee  
Filed: May 19, 2006 )  
For: DISK DRIVE APPARATUS AND ) Confirmation No.: 7566  
METHOD, RECORDING MEDIUM, )  
AND PROGRAM (AS AMENDED) )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir.:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement includes is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

A copy of the listed foreign and non-patent literature document is attached. Copies of the U.S. patent publications are not attached. A search report from the European Patent Office in a corresponding application is also attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 2, 2009

By: /Michael R. Kelly/  
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